

Criminal Misc. Appn. No. 722 of 2006

Sriniwas Nautiyal S/o B.L. Nautiyal
Secretary
Maa Gange Presidency Education Foundation,
Gali No.4, Shastri Ngar, Haridwar Road,
Dehradun. Applicant

Versus

1. State of Uttaranchal
through Home Secretary, Uttaranchal,
Dehradun.
2. Shri Sanjay Bahuguna
S/o Sri D.P. Bahuguna,
R/o Singhal Mandi-II,
Kargi Road, Dehradun. Respondents.

Mr. Vinod Sharma, Advocate for the applicant.
Mr. Amit Bhatt, Asstt. Govt. Advocate for the State.

Hon'ble Prafulla, C. Pant, J.

Heard learned counsel for the applicant/petitioner.

2. By means of this petition, the petitioner has sought quashing of the proceedings of criminal case No. 82 of 2006; Sanjay Bahuguna Vs. Sriniwas Nautiyal, regarding offence punishable under Section 138 of the Negotiable Instrument Act, 1881. The parties to the aforesaid criminal case were in a partnership in running an educational instruction.

3. After going through the paper on the record this, Court found that there had been a compromise between the parties, in which the complainant was given two cheques, one bearing No. 796920 dated 31.10.2005 and another

bearing No. 796921 dated 31.11.2005, for an amount of rupees one lac, each. However, Annexure-4 to the petition, itself shows that a “stop payment” order in respect of these cheques was issued by the petitioner. The complaint made under Section 138 of the Negotiable Instrument Act 1881 (Annexure -1 to the petition) shows that complainant sent registered notice dated 08.12.2005, which was served on the accused, but the payment was not made by the petitioner.

4) In the circumstances, there is nothing on the record, which requires interference by this Court, to quash the proceedings of the criminal case, mentioned above, under Section 482 of the Code of Criminal Procedure, 1973. Without expressing any opinion, as to the merits of the criminal case, mentioned above, the petition under Section 482 of the Code of Criminal Procedure is dismissed.

(Prafulla C. Pant, J.)

Dt. 05th September, 2006
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